

IN THE DRAWINGS:

Please substitute the attached sheet of formal drawings (Replacement Sheet) for the corresponding original sheet.

## REMARKS

Applicant has studied the Office Action dated June 8, 2005 and has made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-7, 9-15, 17-22, and 24-27 are pending. Claims 8, 16, and 23 have been canceled without prejudice. Claims 1-3, 5, 6, 9-14, 17-22, and 24 have been amended, and new claims 25-27 have been added. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested.

The title of the invention was objected to as not being descriptive. The title has been amended to be more clearly indicative of the invention to which the claims are directed.

The drawings were objected to because Figure 7 was informal. Please substitute the attached Replacement Sheet containing formal drawings for the corresponding original sheet. It is submitted that this objection to the drawings should now be withdrawn.

Additionally, the drawings were objected to under 37 C.F.R. § 1.83(a) as failing to show every feature of the invention specified in the claims. Applicant submits that there is no statutory basis for such an objection given the disclosure in the specification and drawings. Given the disclosure, the understanding of such features is completely clear to one of ordinary skill in the art. Such features are clearly described in the disclosure and one of ordinary skill in the art would be able to make and use the present invention based on the disclosure. Thus, Applicant submits that the disclosure meets the statutory requirements. Nevertheless, in order to further prosecution, Applicant has canceled claims 8, 16, and 23. Accordingly, it is submitted that this objection to the drawings should also be withdrawn.

Claims 1 and 2 were objected to because of "informalities". Claims 1 and 2 have been amended in light of the specific comments of the Examiner. It is submitted that all of the claims

now fulfill the requirements of 35 U.S.C. § 112. Therefore, it is respectfully submitted that the objection to claims 1 and 2 should be withdrawn.

Claims 1, 10, 11, 18, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nguyen (U.S. Patent No. 5,765,130). Claims 2, 12, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nguyen in view of Mitchell et al. (U.S. Patent No. 6,574,595). These rejections are respectfully traversed.

The present invention is directed to providing improved voice recognition by using the barge-in time of a user's utterance. One preferred embodiment provides a method for automated voice recognition. According to the method, an audible list containing items is provided, and an utterance is received that indicates a selected one of the items from the list. A matching operation is performed that uses a time that the utterance was received in making a determination that matches the utterance with one of the items from the list. The time that the utterance was received influences the determination of which one of the items from the list matches the utterance. Because the time that the utterance was received is used to influence the matching operation, the accuracy of the voice recognition system is improved.

The Nguyen reference is directed to a method and system for detecting the onset of user speech on a telephone line that carries voice prompts for the user. However, Nguyen does not disclose a method for automated voice recognition in which a matching operation is performed that uses a time that the utterance was received in making a determination that matches the utterance with one of the items from the list, with the time that the utterance was received influencing the determination of which one of the items from the list matches the utterance, as is recited in amended claim 1. Amended claim 11 contains similar recitations.

Similarly, Nguyen does not disclose an automated voice recognition system that includes a comparator for performing a matching operation that uses the time that the utterance was received in making a determination that matches the utterance with one of the items from the list,

with the time that the utterance was received influencing the determination of which one of the items from the list matches the utterance, as is recited in amended claim 19.

Nguyen discloses a system and method that provides a user the capability to barge-in with a response while the list is still being provided to the user. In other words, the user does not have to wait until the list is finished to provide the response. The system of Nguyen detects the onset of the user's speech while the list is being provided and then starts the voice recognition process. While Nguyen teaches using barge-in time to start the voice recognition process, Nguyen does not disclose using the actual time that the user barged-in during that voice recognition process to determine which prompt the user selected.

In contrast, in embodiments of the present invention, the barge-in time of the user utterance is used in performing the voice recognition itself. More specifically, a list of items is provided to the user, and the user provides an utterance to select one of those items. To determine which of the items was selected by the user, a voice recognition matching operation is performed that uses the time of the user's utterance in matching the utterance with one of the list items. The time of the user's utterance influences the determination of which one of the items from the list matches the utterance. Because the time of the user's utterance is used to influence the voice recognition matching operation, the accuracy of the voice recognition system is improved.

Nguyen does not teach or suggest a voice recognition system or method in which a voice recognition matching operation is performed that uses the time that the user's utterance was received in matching the utterance with one of the items from a list, with the time that the utterance was received influencing the determination of which one of the items from the list matches the utterance. Applicant believes that the differences between Nguyen and the present invention are clear in amended claims 1, 11, and 19, which set forth various embodiments of the present invention. Therefore, claims 1, 11, and 19 distinguish over the Nguyen reference, and the rejection of these claims under 35 U.S.C. § 102(b) should be withdrawn.

As discussed above, amended claims 1, 11, and 19 distinguish over the Nguyen reference. Furthermore, the claimed features of the present invention are not realized even if the teachings of Mitchell are incorporated into Nguyen. Mitchell does not teach or suggest the claimed features of the present invention that are absent from Nguyen. Thus, claims 1, 11, and 19 distinguish over Nguyen and Mitchell, and thus, claims 2 and 10, claims 12 and 18, and claim 20 (which depend from claims 1, 11, and 19, respectively) also distinguish over Nguyen and Mitchell. Therefore, it is respectfully submitted that the rejections of claims 1, 2, 10-12, and 18-20 under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) should be withdrawn.

Applicant thanks the Examiner for indicating that claims 3-9, 13-17, and 21-24 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Claim 9 has been rewritten in independent form. Additionally, claims 3-8, 13-17, and 21-24 depend from amended claims 1, 11, and 19, which Applicant respectfully submits are allowable over the art of record. Accordingly, it is respectfully submitted that claims 3-9, 13-17, and 21-24 are in condition for allowance.

Claims 25-27 have been added by this amendment, and are provided to further define the invention disclosed in the specification. Claims 25-27 are allowable for at least the reasons set forth above with respect to claims 1-7, 9-15, 17-22, and 24.

Applicant has examined the references cited by the Examiner as pertinent but not relied upon. It is believed that these references neither disclose nor make obvious the invention recited in the present claims. In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (561) 989-9811 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

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Date: November 8, 2005

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